

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

Index No. 95-102456

-----x
CHRISTINE ROBINSON as Administratrix
of the Estate of CHARLES ROBINSON
(Deceased), and CHRISTINE ROBINSON,
Plaintiff,

- against -

METRO-NORTH COMMUTER RAILROAD,
THOMAS CLARK, MARK STEINER,
ALAN STURGIS and JOHN BERLIN,
Defendants.

-----x
February 28, 2000

10:45 a.m.

Deposition of Plaintiff

CHRISTINE ROBINSON, taken by the
Defendants, pursuant to Order, held at the
offices of Ledy-Griffin & Blumenstock, LLP,
150 East 32nd Street, New York, New York,
before Pamela Schwarz, a Shorthand
Reporter and Notary Public of the State of
New York.

VERITEXT LLC

(212) 267-6868

(516) 608-2400

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18 Deposition of Plaintiff

19 CHRISTINE ROBINSON, taken by the
20 Defendants, pursuant to Order, held at the
21 offices of Ledy-Gurren & Blumenstock, LLP,
22 150 East 57nd Street, New York, New York,
23 before Pamela Schwarz, a Shorthand
24 Reporter and Notary Public of the State of
25 New York.

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1
2 **APPEARANCES:**

3
4 **CAMPBELL HOLDER & ASSOCIATES**
5 Attorneys for Plaintiff
6 401 Broadway
7 Suite 602
8 New York, New York 10013

9 **BY: CARYN S. GARTENBERG, ESQ.,**
10 of Counsel

11
12
13 **LIDY-GURKEN & BLUMENSTOCK, LLP**
14 Attorneys for Defendant

15 150 East 52nd Street
16 New York, New York 10022

17 **BY: JOHN BLUMENSTOCK, ESQ.**
18
19
20
21
22
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25

1
2 at, also controlled thereby.

3 **IT IS FURTHER STIPULATED AND**
4 **AGREED** that the filing of the original of
5 this examination shall be and the same
6 hereby is waived.
7
8

9 ***

10 **CHRISTINE ROBINSON,**
11 having first been duly sworn by a Notary
12 Public of the State of New York, was
13 examined and testified as follows.

14 **EXAMINATION BY MR. BLUMENSTOCK:**

15 Q Good morning.

16 A Good morning.

17 Q My name is John Blumenstock. I
18 represent Metro-North. I'll be asking you
19 a series of questions. If at any time you
20 need to take a break, whether it's just to
21 stretch your legs, take a rest, use the
22 bathroom, any reason at all just say so.
23 Okay?

24 A Okay.

25 Q I also ask that you answer out

1
2 **STIPULATIONS**

3 **IT IS HEREBY STIPULATED AND**

4 **AGREED** by and between counsel for the
5 respective parties hereto that all rights
6 provided by the C.P.L.R., including the
7 right to object to any question, except as
8 to the form, or to move to strike any
9 testimony at this examination, are
10 reserved; and, in addition, the failure to
11 object to any question or to move to
12 strike any testimony at this examination
13 shall not be a bar or waiver to make such
14 motion at, and is reserved for, the trial
15 of this action.

16 **IT IS FURTHER STIPULATED AND**

17 **AGREED** that this examination may be signed
18 and sworn to, by the witness being
19 examined, before a notary public other
20 than the notary public before whom the
21 examination was begun, but the failure to
22 do so, or to return the original of this
23 examination to counsel, shall not be
24 deemed a waiver of the rights provided by
25 Rules 3116 and 3117 of the C.P.L.R. and

1 **ROBINSON**

2 loud because she's not allowed to take
3 down a nod of the head or some gestures,
4 whatever. So, will you answer out loud?

5 A Okay.

6 Q Good. Thank you.

7 Last, if you don't understand me
8 or you don't hear me, please tell me.
9 Okay?

10 A I will.

11 Q Good.

12 Ms. Robinson, have you ever had
13 a last name other than Robinson?

14 A My maiden name.

15 Q What's that?

16 A LeGree.

17 Q How do you spell that?

18 A L-e-G-r-e-e.

19 Q Is the G capitalized or a small
20 G?

21 A Capitalized.

22 Q At some point you married a
23 gentleman named Robinson?

24 A Yes.

25 Q Charles Robinson?

2 (Pages 2 to 5)

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1 ROBINSON
2 A. Yes.
3 Q. When was that?
4 A. It was June the 6th, 1963.
5 Q. Where were you married?
6 A. Danberg, South Carolina.
7 Q. In a church?
8 A. At my mother's house.
9 Q. Do you have a marriage
10 certificate at home or something?
11 A. Yes.
12 Q. Okay.
13 MS. GARTENBERG: Off the record.
14 (Discussion off the record.)
15 Q. Is Mr. Robinson deceased?
16 A. Yes, he is.
17 Q. When did Mr. Robinson pass?
18 A. He passed away February the
19 12th, '96.
20 Q. Were you married to Mr. Robinson
21 continuously from June 6, 1963 until
22 February 12, 1996?
23 A. Yes, I was.
24 Q. Did you live with him
25 continuously from June 6, 1963 to February

1 ROBINSON
2 12, 1996?
3 A. Yes, I did.
4 Q. Was there any period in your
5 marriage in which you and Mr. Robinson
6 were separated overnight?
7 A. No.
8 Q. Did you and Mr. Robinson have
9 any children?
10 A. Yes. Yes, we did.
11 Q. What are their names?
12 A. The oldest one is Leasher
13 Charlene Robinson Tucker.
14 Q. And Leasher, is that
15 L-e-a-s-h-e-r?
16 A. S-h-e-r.
17 Q. How old is she?
18 A. 36.
19 Q. Does she have any children?
20 A. Yes.
21 Q. What are their names?
22 A. Justin Terrell Thorsen, Jerome
23 Tucker, and Jeff Graham.
24 Q. And these three children are
25 your grandchildren, right?

1 ROBINSON
2 A. Yes, they are.
3 Q. How old is Justin?
4 A. Justin, he's 16.
5 Q. Jerome. How old is Jerome?
6 A. He's 10.
7 Q. How old is Jeff?
8 A. He's three years old.
9 Q. Was Jeff born after your
10 husband, Charles Robinson, passed away?
11 A. Yes.
12 Q. Was Leasher your only child?
13 A. That's the oldest daughter.
14 Q. Okay. Who's next?
15 A. Tammy Melissa Robinson Jones.
16 Q. Does Tammy have any children?
17 A. No.
18 Q. Is Leasher married?
19 A. She's divorced now.
20 Q. What is her ex's name, her
21 former husband?
22 A. Kenneth Tucker.
23 Q. When did they divorce?
24 A. I can't remember. Wait a
25 minute. Last year sometime.

1 ROBINSON
2 Q. That would be '99 or '98?
3 A. '99.
4 Q. Prior to the divorce of Leasher
5 and Kenneth Tucker, did Mr. Tucker support
6 the three children, Justin, Jerome and
7 Jeff?
8 MS. GARTENBERG: Objection to
9 form.
10 A. Little Jeff was just -- Leasher
11 and Kenny, they were separated before they
12 were divorced.
13 Q. Okay. Nonetheless, did Kenneth
14 support Justin, Thorsen, Jerome Tucker and
15 Jeff Graham at least up until the time
16 they were divorced?
17 A. No.
18 Q. When did he stop supporting
19 them?
20 A. He just -- he take care of his
21 son.
22 Q. And which one is his son?
23 A. Jerome Tucker.
24 Q. If you know, who supported
25 Justin?

ROBINSON

MS. GARTENBERG: Objection. You mean at least there was some contribution how he's totally supported.

MR. BLUMENSTOCK: I wasn't asking who. Who doesn't necessarily mean one person.

MS. GARTENBERG: Right.

Q. Who supports Justin today?

A. Right now today?

Q. Financially, yes.

A. His mother.

Q. In 1998, who, and this could be several people, it could be one person, it could be nobody, I don't know. Who supported Justin in 1998?

A. His mother and whenever she can't, then I'd help her.

Q. Let's go back another two years, back to 1995. Who, if anyone, supported Justin back in 1995?

A. That was me and my husband.

Q. Back in 1995, what form did your support of Justin take?

A. What?

ROBINSON

A. Have you known at any time what Kenneth Tucker did for a living?

A. No. No.

Q. Your daughter Tammy, is she married?

A. Yes, she is.

Q. What's her husband's name?

A. Douglas Jones.

Q. When was Tammy last dependent upon either you or your husband, Charles Robinson?

MS. GARTENBERG: Are you referring to financially?

MR. BLUMENSTOCK: Yes.

MS. GARTENBERG: Or emotionally?

MR. BLUMENSTOCK: Financially.

A. Well, Tammy, she's been married ten years so she's been out of the house for ten years.

Q. Do you have other children?

A. Yes, I do.

Q. Who are they?

A. Crystal Nicole Robinson.

ROBINSON

Q. Yes. Money or some other form? How did you support Justin back in 1995?

A. Well, Justin -- at that time he was living with us.

Q. Was his mom, Leasher, also living with you back in '95?

A. No. No.

Q. In 1995 were any of Leasher's other children, Jerome or Jeff, living with you -- Jeff wasn't alive yet. I'm sorry.

Was Jerome living with you in '95?

A. Yes.

Q. What does Kenneth Tucker do for a living, if you know?

MS. GARTENBERG: At the present time?

Q. At the present time. Only if you know.

A. I don't know.

Q. Do you know when Kenneth and Leasher separated?

A. No, I don't.

ROBINSON

She just got married, so I'm trying to think of the last name, married name. Hanton.

Q. Hanton?

A. Uh-huh. Yes.

Q. Does Crystal have any children?

A. Yes.

Q. How old are they?

A. Jewon is five years, and Jaisha, she's three.

Q. I'm sorry. Would you spell those names for me?

A. Jaisha, J-a-i-s-h-a. She's three. Jewon, he's five.

Q. Was Jaisha alive when your husband passed away?

A. No.

Q. Did your husband ever financially support Jewon?

A. Yes.

Q. Do you know how much financial support in any given year your husband gave to your grandson Jewon?

A. I don't know because --

<p style="text-align: right;">44</p> <p>1 ROBINSON</p> <p>2 MS. GARTENBERG: You've answered 2</p> <p>3 the question.</p> <p>4 A. I don't know.</p> <p>5 Q. Did Jason ever live with you and</p> <p>6 your husband?</p> <p>7 A. Yes.</p> <p>8 Q. Your grandson Jason, did he ever</p> <p>9 live with you and your husband?</p> <p>10 A. Yes.</p> <p>11 Q. When was that?</p> <p>12 A. From the time he was born until</p> <p>13 two years ago.</p> <p>14 Q. When were your daughter Crystal</p> <p>15 and Mr. Hansen married?</p> <p>16 A. November the 5th, 1999.</p> <p>17 Q. If you know, who supports Jason</p> <p>18 today?</p> <p>19 A. His mother.</p> <p>20 Q. And Jaisha, who supports Jaisha</p> <p>21 today?</p> <p>22 A. Her mother.</p> <p>23 Q. Do you have children in addition</p> <p>24 to Leander, Tammy and Crystal?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">45</p> <p>1 ROBINSON</p> <p>2 A. Right.</p> <p>3 Q. Does Cory support himself?</p> <p>4 A. Yes.</p> <p>5 Q. How long has that been the case?</p> <p>6 A. About four years ago.</p> <p>7 Q. What does he do?</p> <p>8 A. He work at Hi-Low Supermarket.</p> <p>9 Q. Do you have any other children</p> <p>10 in addition to Leander, Tammy, Crystal and</p> <p>11 Cory?</p> <p>12 A. That's it. That's three girls</p> <p>13 and a boy.</p> <p>14 Q. Other than yourself and your</p> <p>15 grandchildren, was there anyone else who</p> <p>16 was financially dependent upon your</p> <p>17 husband Charles Robinson at the time that</p> <p>18 he passed away?</p> <p>19 A. No.</p> <p>20 Q. What did your husband die of?</p> <p>21 MS. GARTENBERG: Objection to</p> <p>22 form. Are you asking her the medical</p> <p>23 terminology or just generally what she</p> <p>24 knows?</p> <p>25 MR. BLUMENSTOCK: I'm asking her</p>
<p style="text-align: right;">46</p> <p>1 ROBINSON</p> <p>2 Q. I have a son.</p> <p>3 Q. What's his name?</p> <p>4 A. Cory Matthew Robinson.</p> <p>5 Q. How old is Cory?</p> <p>6 A. He's 25.</p> <p>7 Q. Is Cory married?</p> <p>8 A. Yes.</p> <p>9 Q. What's his wife's name?</p> <p>10 A. Robinson, Cory Robinson.</p> <p>11 Q. What's his wife's name?</p> <p>12 A. Oh, what's his wife's name?</p> <p>13 Q. Yes.</p> <p>14 A. Her name is Charise Smith</p> <p>15 Robinson.</p> <p>16 Q. Do Cory and Charise have any</p> <p>17 children?</p> <p>18 A. Yes.</p> <p>19 Q. What are their names and how old</p> <p>20 are they?</p> <p>21 A. Zaira. She'll be three March</p> <p>22 the 8th.</p> <p>23 Q. Any other kids?</p> <p>24 A. Well, she's expecting now.</p> <p>25 Q. But not yet.</p>	<p style="text-align: right;">47</p> <p>1 ROBINSON</p> <p>2 understanding of what her husband died</p> <p>3 of. She's not a doctor.</p> <p>4 A. Leukemia.</p> <p>5 Q. When did you first learn that</p> <p>6 your husband had leukemia?</p> <p>7 A. The year '93.</p> <p>8 Q. How did you learn that he had</p> <p>9 leukemia?</p> <p>10 A. Well, he told me that -- he told</p> <p>11 me that he had -- he went to the doctor.</p> <p>12 he said, and the doctor said he had low</p> <p>13 blood. I had --</p> <p>14 MS. GARTENBERG: Your husband</p> <p>15 told you?</p> <p>16 THE WITNESS: Low blood.</p> <p>17 MS. GARTENBERG: Is that how you</p> <p>18 found out, your husband told you?</p> <p>19 THE WITNESS: Yes.</p> <p>20 Q. What time of year was it when</p> <p>21 your husband told you that he had</p> <p>22 leukemia?</p> <p>23 A. What kind of year?</p> <p>24 Q. What time of year?</p> <p>25 A. Oh, that was in -- that was in</p>

18

ROBINSON

July.

Q. When did your husband first tell you he had low blood?

A. That was during that same time of the year, that July.

Q. July of 1993?

A. Yes.

Q. Did your husband work for Metro-North?

A. Yes, he did.

Q. When did he begin with Metro-North?

A. January '66.

Q. What was his position when he began working for Metro-North?

A. Track man.

Q. At some time did he get a promotion to another position?

A. I don't -- I can't remember.

Q. Did his job title ever change from track man to something else?

A. No.

Q. When did your husband stop working for Metro-North?

19

ROBINSON

How did you hear about the accident?

A. Some nearby person called. He told me, called me and gave me the number -- gave them the number and they called.

Q. Was your husband taken to a hospital after the accident?

A. Yes.

Q. Which hospital?

A. Brookdale.

Q. Did you see your husband while he was at Brookdale?

A. Yes, I went with him.

Q. How long did he remain at Brookdale?

A. Until around 2:00 that morning.

Q. Do you know what time he arrived at Brookdale?

A. Between 6:30 and 7:00.

Q. In the evening?

A. In the evening.

Q. Do you happen to recall the date of the accident?

20

ROBINSON

A. I can't remember.

Q. Was it shortly before he passed away?

A. No.

Q. Did he continue to work for Metro-North up until the 1990s?

A. Yes, he did.

Q. And in the 1990s was your husband a track man?

A. Yes.

Q. At the time that you first heard that your husband had leukemia, was your husband still working for Metro-North as a track man?

A. Yes.

Q. In 1992, was your husband involved in any kind of motor vehicle accident?

A. Yes.

Q. Where did that happen?

A. In Brooklyn.

Q. Were you with your husband when the accident happened?

A. No.

21

ROBINSON

A. No.

Q. Do you remember what month it was?

A. It was in July.

Q. And I'm not asking for a medical diagnosis, but what was your understanding of the nature of his injuries when he was involved in that motor vehicle accident in July of '92?

A. Well, it was my knowledge that he had had a cut on his ear and a cut on the side of his face.

Q. Anything else that you're aware of?

A. No.

Q. Did he miss any work as a result of this accident?

A. Yes.

Q. How long was he out from work due to this accident?

A. I don't remember.

Q. Was it more than a week?

A. I'm not sure.

Q. Did your husband work in August

1 ROBINSON
2 of 1992.
3 A. I don't know for sure. I don't
4 know.
5 Q. Is there a reason you're not
6 sure?
7 A. Because once he had the
8 accident, I'm just not sure when he went
9 back to work.
10 MS. GARTENBERG: You don't
11 recall?
12 THE WITNESS: I don't recall.
13 Q. Do you know if he went to work
14 in September of '92?
15 A. I don't recall.
16 Q. Do you know if your husband
17 worked in October of '92?
18 A. I'm not sure about that. Maybe
19 he started back then.
20 Q. If your husband missed any work
21 in August, September or October, would
22 there have been any reason that you're
23 aware of that he would have missed work
24 other than this motor vehicle accident
25 that occurred in July of 1992?

1 ROBINSON
2 A. It could have been the HIP
3 doctor. I'm not sure.
4 Q. Do you know the name of his HIP
5 doctor?
6 A. Dr. Johnson, I think. I'm not
7 sure.
8 Q. Do you know which HIP center
9 your husband would have gone to back in
10 '92?
11 A. It's on Linden Boulevard, but I
12 really don't know the address.
13 Q. Linden Boulevard and -- do you
14 know any cross streets near it?
15 A. It was the latest one that was
16 built because we have two on Linden
17 Boulevard, so it's not the one near
18 Rockaway Parkway, it's not that one. It's
19 the other one for the going out to the
20 conduit.
21 Q. This HIP center, it's in Queens?
22 A. No, it's in Brooklyn.
23 Q. It is in Brooklyn. Okay.
24 In July of 1992, where did you
25

23
1 ROBINSON
2 A. I don't remember.
3 Q. Only if you know.
4 When your husband returned to
5 work after the auto accident, did he have
6 to undergo any kind of physical
7 examination?
8 A. Yes, he did.
9 Q. Before I get to that, let me ask
10 you another question.
11 After the motor vehicle
12 accident, you mentioned that your husband
13 went to Brookdale Hospital in July. And
14 other than that one visit to the Brookdale
15 Hospital, do you know if he had to go to
16 any other medical treatment relating to
17 that automobile accident?
18 A. Yes, there were others because
19 he start complaining.
20 Q. What were his complaints?
21 A. Chest pains.
22 Q. Anything else?
23 A. No.
24 Q. Where did he go for medical
25 advice or treatment concerning these chest

25
1 ROBINSON
2 and your husband live?
3 A. 372 Blake Avenue, Brooklyn.
4 Q. Did there come a time when you
5 and your husband moved out of 372 Blake
6 Avenue in Brooklyn?
7 A. Yes.
8 Q. Where did you move to?
9 A. South Carolina.
10 Q. When did you and your husband
11 move to South Carolina?
12 A. November the 17th -- excuse me.
13 December the 17th.
14 Q. Of what year?
15 A. Well, five years back. So, that
16 would be in '94. '94. It's five years
17 back. My grandson was born right after we
18 got there and he's five years old.
19 Q. And the two of you moved to
20 Bamberg?
21 A. Bamberg.
22 Q. Why did the two of you move to
23 Bamberg in December of '94?
24 MS. GARTENBERG: If not for
25 personal reasons?

26

ROBINSON

MR. BLUMENSTOCK: For any reason.

A. Well, he found out that he had leukemia and he said he wanted to come home and go to Charleston Hospital in USC.

Q. When your husband began to complain of chest pains back in '92, after the automobile accident, did he see anyone other than a doctor or doctors at the HIP center on Linden Boulevard?

A. Well, I know they sent him to specialists, you know, but I don't know. I just, you know, heard him talk about it.

Q. In the summer of 1992, did your husband have any doctors that he saw from time to time other than the HIP doctors?

A. I'm not sure.

Q. Do you know a Dr. Carl Needles?

A. Yes, I do. I've heard him talk of him.

Q. Do you know, did your husband ever go to Dr. Carl Needles?

A. Yes.

Q. When for the first time?

28

ROBINSON

A. do you know if he continued to receive pay from Metro-North?

A. I don't recall.

Q. You don't know one way or the other?

A. No.

Q. The doctor I asked you about before, Dr. Carl Needles, do you happen to know where your husband saw him?

A. He went to his office.

Q. Was that at Long Island Jewish, Hillside Medical Center?

A. I don't know.

Q. Do you know if it was in, that is, Dr. Needles's office that your husband went to was in Queens or Long Island or somewhere else?

A. His office?

Q. Yes.

A. He went to his office.

Q. Right.

Do you know if that office was in Queens, or Long Island or some other place?

27

ROBINSON

A. I don't know.

Q. Do you know if your husband had ever been to Dr. Carl Needles as of July 1992?

A. No, I don't know.

Q. Do you know what kind of doctor Dr. Needles is?

A. No.

Q. Were you aware he's a pediatrician?

A. No.

Q. Do you know why your husband went to Dr. Needles?

A. He went to get a second opinion on his blood -- on the spine.

Q. If you know, did someone refer your husband or recommend him to Dr. Carl Needles?

A. I don't know that.

Q. Do you have any notion where your husband got Dr. Needles's name?

A. No, I do not.

Q. However long your husband was out after the motor vehicle accident in

29

ROBINSON

A. I don't know.

Q. When your husband returned to work after the motor vehicle accident in '92, when he underwent the physical exam did he also undergo testing for drug use?

A. Yes, he did.

Q. Do you know what the results of the tests were?

MS. GARTENBERG: Counselor, are you talking about one test, more than one test, the first test?

MR. BLUMENSTOCK: I think it's clear from the question we're talking about when he returned to work after the motor vehicle accident.

A. It was positive.

Q. As a result of that test, when your husband went to return to work, did he have to do anything at Metro-North in order to go back to work?

MS. GARTENBERG: Objection to form.

You can answer.

Q. Do you understand my question?

ROBINSON

A. No.

Q. When your husband went to go back to work after the motor vehicle accident and he had the positive drug test, was he allowed to immediately go back to work?

A. No.

Q. Did he have to enter some kind of rehab program?

A. Yes.

Q. Have you heard of a program at Memo-North called EAP, or Employee Assistance Program?

A. Yes.

Q. Is that the program that your husband went into when he returned to work after the motor vehicle accident in 1992?

A. Yes.

MR. BLUMENSTOCK: Would you mark this, please.

(Waiver letter: Substance abuse was marked as Defendants' Exhibit A for identification, this date.)

Q. I'm going to show you this to

ROBINSON

going into the EAP program?

A. Yes.

Q. What, if anything, did he say at that time?

A. That was just it, you know, I didn't question it. He say that he was going there.

Q. Did he tell you that the EAP program had anything to do with drug use or rehabilitation or anything like that?

A. No.

Q. Did you have any idea what the EAP program was?

A. No.

Q. When, if ever, did you learn that the EAP program had something to do with either rehabilitation or drug abuse or anything like that?

A. It was March the 5th -- March the 1, when he had to go into the hospital, another hospital.

Q. You just referred to March 1 when your husband went into the hospital. What year March 1?

ROBINSON

your counsel first (handing).

MR. BLUMENSTOCK: If you want, I can make a copy of that now rather than later if you'd like.

MS. GARTENBERG: Okay.

MR. BLUMENSTOCK: One moment.

We'll take a two-minute break.

(Recess taken at 11:29 a.m.)

Q. Mrs. Robinson, I'd like to show you a document that's been marked as Exhibit A and I'd like, if you would, I'd like to show you something in the lower left-hand corner that appears to be a signature.

My question to you is, do you recognize that signature?

A. Yes.

Q. Whose signature is that?

A. It's Charles's, my husband.

Q. When your husband entered the EAP program for the first time at Memo-North, did he discuss it with you?

A. No.

Q. Did he tell you that he was

ROBINSON

A. I don't remember the year.

Q. Would that have been just the following year, perhaps, March of 1993?

A. I'm not sure about the year but I'm sure about the month and the date.

Q. Was the hospital that you're referring to Gracie Square?

A. Yes.

Q. When you first learned on March 1 of whatever year that the EAP program had something to do with either rehabilitation or drug use, was that during a conversation you were having with your husband?

A. Yes.

Q. As best as you can recall, what did your husband tell you at that time?

A. He say that he had to go there in order to get a paycheck for the household.

Q. From the time that your husband tried to go back to work after the motor vehicle accident in '92 up until the hospitalization on March 1 of whatever

ROBINSON

year, did your husband continue to get paychecks from Metro-North?

A. Yes.

Q. During that same time period, that is, at any time between the motor vehicle accident until your husband was hospitalized at Gracie Square, did your husband go to any AA or Alcoholics Anonymous meetings?

A. Yes.

Q. And did you know at the time that he was going to AA meetings?

A. Well, he told me that, you know, whenever he would go, he would call me and let me know that he was going to the AA meeting.

Q. What was your understanding of why your husband was going to AA meetings?

A. Drugs.

Q. When did you first find out that your husband was going to AA meetings?

A. The year that he had the accident. Between August, July and

ROBINSON

And what did he say?

A. Because of the forced urine tests he said Sturgis took and he said they just had him to go there, Sturgis.

Q. Who is Sturgis?

A. I think he's with that EA -- that EA -- the testing place that you were telling me about.

Q. EAP?

A. EAP, yes.

Q. To your knowledge, did your husband ever go to AA before being involved in the EAP program?

A. No.

Q. You mentioned a false urine test. What were you referring to?

MS. GARTENBERG: I don't know if she said false or forced. I'm not sure. That's what I thought I heard but maybe I'm incorrect.

MR. BLUMENSTOCK: Let's ask the witness.

Q. I thought I heard "false" urine test. Your lawyer thought she heard

ROBINSON

August. I'm not sure.

Q. So, that would be July or August of 1992?

A. Yes.

Q. If you know, in July or August of 1992, when he was going to AA meetings, was somebody forcing him to go to these meetings?

A. No.

Q. He was doing it of his own choice?

A. Yes.

Q. In July or August of 1992, was your husband having a problem with either alcohol or drug use that you were aware of?

A. No.

Q. Why did he go to AA in July or August of 1992, if you know?

A. I don't know.

Q. Did you ever ask your husband in July or August of 1992 why he was going to AA meetings?

A. Yes.

ROBINSON

"forced" urine test.

Please tell us what you were referring to?

A. Forced.

Q. Okay. Thank you.

What was the forced urine test you were referring to?

A. Well, he said that he went and gave urine and someone called him the night that he start -- that he was getting ready to go to work, someone called him and told him that he -- you know, not to come to work.

Q. Did they explain why?

A. No.

Q. What did you mean by forced, when you called it a forced urine test?

A. Because that's what he said at that time.

Q. Somebody -- and again only if you know, did somebody force him to take this test?

A. I don't know.

Q. After your husband's motor

ROBINSON

vehicle accident in 1992, in addition to taking any urine tests, did they take any blood tests at Metro-North?

A. Yes.

Q. And did they take any blood tests of your husband in or about August of '92?

A. I don't know.

Q. To your knowledge in or about October of '92, did your husband submit to any blood tests by Metro-North?

A. I don't know.

Q. How about in December of 1992. If you know, did your husband submit to any blood tests?

A. I don't know.

Q. At any time between July of 1992 and say New Year's Day 1993, did you or your husband receive any letters from Metro-North advising him that he had low blood or anemia or some kind of blood-related problem?

A. I don't remember.

MR. BLUMENSTOCK: Would you mark

ROBINSON

it, does this document refresh your memory as to whether you or your husband ever received any kind of written notice that your husband had anemia or any low blood count in -- up to January 1, 1993 from Metro-North?

MS. GARTENBERG: Objection to form.

You can answer.

A. No. That's the first time I read.

Q. You've anticipated my next question; that is, have you ever seen this document before?

A. No, I haven't.

Q. Between the time of your husband's motor vehicle accident in July of '92 until the time he was hospitalized on March 1 at Gracie Square, regardless of what year that was, did your husband have to go out of state for any reason?

A. Yes.

Q. Let me ask you how many times?

A. Once, if I'm not mistaken.

ROBINSON

this. (Letter dated 12-4-92 was marked as Defendants' B for identification, this date.)

Q. I'm going to show you something that's been marked as Defendants' Exhibit B.

I've already given your attorney a copy, and I'd like you just to take a minute, however much time you need, actually, just to review that for a minute and I'll ask you the question when you're done looking at it.

A. I have to get my glasses.

MS. GARTENBERG: Counsel, do you first want to lay a foundation to see if she's ever seen this document before?

MR. BLUMENSTOCK: First, I want her to look at it. That's all I've asked her so far.

Q. Have you had an opportunity to look at it?

A. Uh-huh. Yes.

Q. Mrs. Robinson, my first question

ROBINSON

Q. Where did he go?

A. South Carolina. Bamberg, South Carolina.

Q. Why?

A. His mother was sick.

Q. How long was he down in South Carolina due to his mom's illness?

A. Roughly, about a week.

Q. Was that in 1991?

A. That was the year of the accident.

Q. Okay, so '92?

A. That July.

Q. That same July?

A. Yes.

Q. To your knowledge, from the time that your husband had the forced urine test until the time of his hospitalization at Gracie Square on March 1, did he miss any of his AA meetings?

A. I don't know.

Q. Again, same time period. From the time of the forced urine test until the time he was hospitalized on March 1 at

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ROBINSON

Gracie Square Hospital, do you know if he missed any EAP program appointments?

A. I don't know.

Q. When did you first learn that your husband was to be hospitalized on March 1 at Gracie Square Hospital?

A. About two or three days before that.

Q. What was your understanding of the purpose of your husband's hospitalization at Gracie Square Hospital when you first learned of it?

A. What was what?

Q. What was your understanding of why he was being hospitalized?

A. Why he was being hospitalized?

Q. Right. For what purpose?

A. Well, just like I said before.

You know, he said that, you know, he were going in there. He had no other choice, he said, but to go in there. If he wanted a paycheck for the home.

Q. After your husband's forced urine test, but before he was admitted to

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ROBINSON

Yes.

Q. Do you know who he went to, who he protested to?

A. If I'm not mistaken, I think he went to Dr. Needles.

Q. Needles?

A. Needles, Carl Needles.

Q. And did Dr. Needles, again only if you know, did he do a retest of your husband's urine?

A. Yes.

Q. And only if you know, did he take another sample from your husband? In other words, only if you know.

A. I don't know. I don't know.

Q. So, you don't know what Dr. Needles tested?

A. No.

Q. Did your husband tell you he was getting this testing checked in some way by Dr. Needles?

A. Yes, he did.

Q. Was this the first time you ever heard of Dr. Needles?

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ROBINSON

the Gracie Square Hospital, did he have any other drug tests that you knew of?

A. No.

Q. If you know, and only if you know, did your husband have any blood or urine drug tests in February of 1997?

A. I don't remember.

Q. Were you ever told that your husband had tested positive for cocaine in February of '97?

A. He told me.

Q. When your husband told you of this positive drug test in February of '97, what did he tell you, what did he say?

A. He said that someone -- he gave a blood test and urine test and he say someone switch his urine.

Q. If you know, was he ever then retested?

A. Yes.

Q. Did he protest to someone, as far as you know, that "my urine was switched"; something like that?

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ROBINSON

A. Yes.

Q. Did your husband tell you why he was going to Dr. Needles rather than someone else?

A. No.

Q. Did you ask him where he heard of Dr. Needles?

A. No.

Q. Did your husband ever tell you what happened after Dr. Needles retested him?

A. No.

Q. Do you have any information about what Dr. Needles may have found when he retested your husband?

A. No.

Q. How long after you learned that your husband had had a second positive drug test did your husband go to Gracie Square Hospital?

MS. GARTENBERG: Objection. Counselor, I'm not sure if she's -- we're talking about a second positive drug test.

ROBINSON

Off the record

(Discussion off the record.)

MR. BLUMENSTOCK: She previously stated that her husband had had a positive test when he went to go back to work. She then said in February of '93 that her husband had told her that he'd had another positive drug test. That's two.

Q My question is, how long after the second positive drug test did your husband go to Gracie Square Hospital?

A I don't remember.

Q Was it within the same year?

A Within the same year?

Q Yes.

A I'm not sure.

Q How long did your husband remain at Gracie Square Hospital?

A That I'll never forget.

Q Okay.

A He went in on the 1st and he came out on the 31st.

Q Why will you never forget that?

MS. GARTENBERG: Objection to

ROBINSON

A He missed the one right after he was supposed to have come out. After he came out, you know, he was scheduled for one.

Q But he missed it?

A Yes.

Q How come?

A Because his brother called and said his mother was sick again and we had to go south, and that's when he took sick down there.

Q Do you know when it was that you went south when your husband's mother took ill?

A It could have been the 1st or the 2nd of April.

Q On the 1st or 2nd of April when you went south, you went to Bamberg, South Carolina, is that right?

A Yes.

Q How long did your husband remain in Bamberg, South Carolina?

A Two weeks.

Q During that two-week period, was

ROBINSON

form.

You can answer. Go ahead.

A Because that was about one of the worst, tiresome times of my life. It's the first time we ever really had been apart. And for me going there, seeing him there, and then it was a blizzard. I had to go through that to get to him.

Things like that you just don't forget.

Q Having spoken a little bit more about this hospitalization, do you remember what year it occurred?

A No.

Q After your husband got out of the hospital on the 31st of March, whatever year that was, did he go back to work?

A No.

Q If you know, after the 31st of March, when he was discharged from the Gracie Square Hospital, did your husband go to EAP program meetings?

ROBINSON

your husband hospitalized?

A Yes.

Q Where?

A Orangeburg Regional Hospital.

Q By the way, was your husband ever hospitalized at a -- I'm not sure I have the name right, a Linwood or a Lenwood Hospital?

A That's the HIP center. That's Linwood HIP Center.

Q Oh, okay. That's the HIP center we were talking about earlier?

A Yes.

Q That's not an overnight hospitalization.

A No. No.

Q Okay.

Returning back to the Orangeburg Regional Hospital.

How long was your husband there?

A About a week or a little more or less. I'm not sure.

Q What's your understanding of why your husband was hospitalized at the

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ROBINSON

Orangeburg Regional hospital?

A. Well, when I picked him up from the hospital -- from Gracie Square, he looked a little pale and I questioned that. He say the doctors told him to go see his family doctor. So, we got on the road to go south.

He was just so sick along that road, but once we got there, then his brother looked at him and he say, "Man, you're sick." He said, "I'm taking you to the doctor."

So, we went to Hamberg Hospital and Hamberg didn't have anybody there that could look after him for that problem. So, he said first thing the next morning for us to go to Orangeburg Hospital. And we went there and his blood count was like a 3.0, so they kept him.

Q. While your husband was at the Orangeburg Regional Hospital, did anyone, be it your husband or be it a doctor or a nurse or somebody, tell you what was wrong with your husband?

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ROBINSON

did you return with your husband to New York?

A. Yes.

Q. Did your husband return to work when you returned to New York in April?

A. No.

Q. Was your husband hospitalized again sometime after he'd been hospitalized at Orangeburg Regional Hospital?

A. Yes. We came back in April -- let's see. I would say in June, the 1st of June.

Q. Where was he hospitalized on the 1st of June?

A. Downstate.

Q. Downstate Medical Center?

A. Yes.

Q. In Brooklyn?

A. Yes.

Q. After you had left South Carolina, but before your husband was admitted to Downstate Medical Center in Brooklyn, did your husband see any

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ROBINSON

A. Yes. They say he had fibrosis.

Q. Did anyone at Orangeburg Regional Hospital say anything about leukemia?

A. Yes.

Q. Was that when you first learned your husband had leukemia?

A. Yes.

Q. As you sit here now, do you recall what year that was?

A. No.

Q. What did they do for your husband while he was in the Orangeburg Regional Hospital?

A. They took a bone marrow. You know, they went in. First they tried to go in from the chest but that was so painful until they called another doctor in and they got it from the HIP, and they started him on different kind of medication.

They released him for him to see his doctor once he gets back up here.

Q. Then, while it was still in

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ROBINSON

doctors?

A. Yes.

Q. Who?

A. Dr. Reider.

Q. R-e-i-d-e-r?

A. Yes, he worked at Downstate.

Q. Anybody else?

A. No, just his regular doctors after that.

Q. At the HIP, you mean?

A. Yes, at the HIP.

Q. How did your husband get Dr. Reider's name?

A. Well, he took sick and he was admitted there.

Q. At Downstate?

A. Yes, and that's how he came up with that doctor.

Q. Okay. My question was after you returned from South Carolina but before he went into Downstate, did he see any doctors?

A. I don't remember.

Q. How long was your husband

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ROBINSON

admitted to Downstate Medical Center in Brooklyn?

A. One week.

Q. After your husband was discharged from Downstate Medical Center, was he ever hospitalized again?

A. Yes.

Q. Where?

A. The same place.

Q. When was he admitted to Downstate for the second time?

A. The last of June.

Q. The 30th?

A. Yes.

Q. How long did he remain at Downstate that time?

A. Three days.

Q. If you know, why was he admitted to Downstate Medical Center for three days beginning on June 30?

A. Shortness of breath, weak. He was tired.

Q. When, if ever, was your husband next hospitalized?

ROBINSON

A. If he was next hospitalized, that was the last of July.

Q. Where did he go on the last of July?

A. Downstate.

Q. How long did he remain at Downstate?

A. One week.

Q. What did they do for him at Downstate beginning on July 31st?

A. They started him on new medication, Anadrol 50, Prednisone. They started him on different medications.

Q. This was for his leukemia?

A. Yes. And he was getting shots, you know, for his blood. I would give him the needle and that was the medication they started him on, and it stayed up for a while.

Q. His blood count stayed up?

A. Yes.

Q. At any time between when you returned from South Carolina in April up until your husband's admission to

15

ROBINSON

A. He went into Kings County overnight for three pints, three units of blood.

Q. When was your husband admitted to Kings County Hospital overnight?

A. That was in -- I'm not sure, but that was in between June or July but it was one of those months.

Q. You had said earlier that your husband had been at Downstate, first on June 1st and then on the last day of June, June 30?

A. Yes.

Q. Would it be fair to say your husband was in Kings County in July?

A. Yes.

Q. It was after the two Downstate admissions, then?

A. Right. Yes.

Q. Was it just one night that he remained at Kings County?

A. Overnight.

Q. When, if ever, was your husband next hospitalized?

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ROBINSON

Downstate on July 31, did your husband contact anybody at work?

A. I don't know.

Q. Do you know if anybody from work contacted your husband during that time period?

A. I don't know.

Q. Do you know if your husband went to any EAP meetings from the time he went down to South Carolina in April up until he was admitted to Downstate Medical Center on July 31?

A. Yes.

Q. He did go to some EAP meetings?

A. Yes.

Q. Did he also go to some AA meetings?

A. Yes.

Q. During that time period, did he miss any EAP meetings?

A. I don't know.

Q. Did he miss any AA meetings?

A. I don't know.

Q. Up until July 31, when your

1 ROBINSON

2 husband was admitted to Downstate Medical
3 Center, was he continuing to receive
4 paychecks from Metro-North?

5 A. Yes.

6 Q. But he hadn't been back to work
7 yet, right?

8 A. No.

9 Q. After July 31st, when was the
10 the next time your husband was
11 hospitalized?

12 MS. GARTENBERG: Counsel, I'm
13 just going to mention she said the end of
14 July and not July 31.

15 MR. BLUMENSTOCK: She said the
16 last day of July.

17 MS. GARTENBERG: Excuse me.

18 MR. BLUMENSTOCK: Which I
19 interpreted as the 31st.

20 A. The next time he went in the
21 hospital? January.

22 Q. January of what year?

23 A. I don't remember the year.

24 Within that next year. He — that was
25 it. He went in the hospital then because

1 ROBINSON

2 Yes.

3 From the end of July, when your
4 husband went to Downstate until January
5 when he went to Brookdale, did he continue
6 to go to the EAP program?

7 A. I can't remember.

8 Q. Did he continue to go to AA?

9 A. I can't remember.

10 Q. Was your husband hospitalized
11 after that January when he had the TIA and
12 went to Brookdale Hospital?

13 A. No, not until we moved south.

14 Q. I'm sorry. I've forgotten when
15 you moved south. Would you remind me?
16 When did you move south?

17 A. December 17, '94.

18 Q. That's right, your grandson is
19 five years old so you knew it was five
20 years ago.

21 A. Yes.

22 Q. Between the time in January when
23 your husband had been at Brookdale for TIA
24 until the time that you moved south to
25 Bamberg, South Carolina, did your husband

1 ROBINSON

2 he had a small TIA.

3 Q. Which hospital did he go to when
4 he had the small TIA?

5 A. Brookdale.

6 Q. Brookdale Hospital in Brooklyn?

7 A. Yes.

8 Q. How long did he remain at
9 Brookdale Hospital in January?

10 A. Five days.

11 Q. Did anyone tell you that his
12 small TIA was in some way connected with
13 his leukemia?

14 A. No.

15 Q. Did anyone tell you what did
16 cause his TIA?

17 A. No.

18 Q. From July 31, when your husband
19 was admitted to Downstate Medical Center
20 until January when your husband went to
21 Brookdale for the TIA, had he gone back to
22 work?

23 A. I can't remember.

24 Q. Did your husband continue to
25 receive a paycheck during that time?

1 ROBINSON

2 continue to receive paychecks from
3 Metro-North?

4 A. He was on Disability then.

5 Q. Where did the Disability
6 payments come from, if you know?

7 A. Chicago. Chicago.

8 Q. Do you know what the
9 organization was, was it an insurance
10 company, or was it from Metro-North or
11 from somebody else, do you know?

12 A. Disability, that's all I know in
13 Chicago.

14 Q. Again, if you know, was the
15 Disability related to your husband's
16 leukemia?

17 A. Yes.

18 Q. So, from the time that your
19 husband had the motor vehicle accident all
20 the way up until the time he started
21 receiving Disability due to his leukemia,
22 did Metro-North ever stop paying your
23 husband his paychecks?

24 A. I don't know. I don't remember.

25 Q. Before you and your husband

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ROBINSON

1 moved down to South Carolina, on December
2 17, 1994, did your husband resign from
3 Metro-North?

4 A. Yes.

5 Q. If you know, when did he resign?

6 A. I don't remember but he said he
7 was supposed to do that.

8 Q. He was supposed to resign?

9 A. He said he was forced to.

10 Q. Oh, forced to resign.

11 A. Yes.

12 Q. Do you know how he was forced to
13 resign?

14 A. No, I don't but he said it had
15 to do with Sturgis and Clark, whoever they
16 were.

17 Q. You mentioned earlier a person
18 named Sturgis with the EAP. Is this the
19 same person?

20 A. Yes, sir.

21 Q. Who is Clark, if you know?

22 A. I think he worked along with
23 him.

24 Q. At the EAP?

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ROBINSON

1 South Carolina University or something?

2 A. No, I really don't. I think
3 it's medical university. Yes, something
4 like that. South Carolina.

5 MS. GARTENBERG: What are the
6entials?

7 A. MUSC.

8 Q. How long was your husband
9 hospitalized at MUSC when he went in on
10 November 5th, 1995?

11 A. About two months and a half.

12 Q. Are you all right?

13 A. Uh-huh. Yes.

14 Q. That was for treatment for his
15 leukemia?

16 A. Uh-huh. Yes.

17 Q. And in some of the papers I had,
18 I had a reference to your husband being
19 hospitalized also June 12 of 1995. Does
20 that refresh your memory in any way?

21 A. In Charleston?

22 Q. Yes.

23 A. I don't recall.

24 Q. From the time that your husband

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ROBINSON

1 A. Yes.

2 Q. Did your husband ever tell you
3 that he was forced to resign because he
4 hadn't complied with the requirements of
5 the EAP program?

6 A. No.

7 Q. Did he ever tell you that he was
8 forced to resign because he didn't go to
9 AA?

10 A. No.

11 Q. Did your husband ever tell you
12 that he hadn't complied with EAP
13 requirements?

14 A. No.

15 Q. After you moved down to South
16 Carolina on December 17, 1994, when, if
17 ever, was your husband next hospitalized?

18 A. November the 5th, '95.

19 Q. Where was your husband
20 hospitalized on November 5th, 1995?

21 A. In USC, in Charleston, South
22 Carolina.

23 Q. Do you know what those letters
24 stand for? Is it the medical center of

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ROBINSON

1 had the motor vehicle accident in '92
2 until the time he passed away, was he
3 treated by any psychiatrists or
4 psychologists?

5 A. Yes.

6 Q. When for the first time was your
7 husband treated by a psychologist or a
8 psychiatrist?

9 A. When he attended Gracie Square.

10 Q. That was while he was in there
11 for that month of March?

12 A. Yes.

13 Q. Was he treated by a psychologist
14 or psychiatrist at any other time?

15 A. Not that I know, sir.

16 Q. Did your husband ever file a
17 claim with the EEOC or any other
18 government body claiming discrimination
19 against Metro-North?

20 A. I'm not sure.

21 Q. Do you know if your husband ever
22 filed any sort of claim against
23 Metro-North for discrimination, whether it
24 was with the EEOC or anybody else?

ROBINSON

MS. GARTENBERG: Note my objection.

You can answer.

A. Yes.

Q. Was there a determination or a verdict or a finding or a settlement of any kind with respect to that claim?

A. Well, since he was the main character they said in that case it was a class action suit, and he were the main character, he expired and that was it.

Q. So, at the time that your husband passed away, the class action hadn't ended, it was still going until he died; is that right?

A. Yes.

Q. Was he represented by lawyers when that class action was going on?

A. Yes.

Q. Who were his lawyers?

MS. GARTENBERG: Note my objection to this line of questioning.

A. I don't remember.

MS. GARTENBERG: Wait. It's not

ROBINSON

From the time of your husband's motor vehicle accident until his death, was he treated by any doctors that you haven't already told us about?

A. No.

MR. BLUMENSTOCK: Off the record.

(Discussion off the record.)

Q. While your husband was employed by Metro-North, was he ever the subject of disciplinary action by Metro-North?

A. I don't recall.

Q. To your knowledge, did you ever receive in the home notices of investigation indicating that a disciplinary process was being started at Metro-North concerning your husband?

A. Yes, but by me working, being at work, he would be the one to get the mail, so I really don't know.

Q. Did your husband ever get suspended at work?

A. Yes.

Q. How many times?

ROBINSON

related to this lawsuit.

MR. BLUMENSTOCK: Oh, absolutely. It's over exactly the same subject matter.

Q. I'm sorry. Did your husband have lawyers in that case?

A. Yes, but I don't know.

Q. You don't know who they were?

A. No.

Q. Do you know if those lawyers were people in New York or South Carolina or some other place?

A. I don't know.

Q. Did you ever have to testify in that --

A. No.

Q. -- case?

Did your husband have to testify in that case?

A. I don't know.

Q. The hospitalization at MUSC that began on November 5th, did that end when your husband passed away?

A. Yes.

ROBINSON

A. Once. Once I remember.

Q. Did your husband ever get any reprimands or warning letters from work?

MS. GARTENBERG: At any time during his employment?

MR. BLUMENSTOCK: Yes.

A. Yes.

Q. How many times?

A. I don't remember.

Q. Mrs. Robinson, in 1992 were you employed outside the home?

A. Was what?

Q. Were you employed outside the home?

A. Yes.

Q. What did you do in '92?

A. Teacher's assistant.

Q. When did you first begin as a teacher's assistant, what year?

A. 1986.

Q. And then did you work continuously as a teacher's assistant between '86 and '92?

A. Yes.

1 ROBINSON
2 Q Where did you work in '92 as a
3 teacher's assistant?
4 A Brownsville --
5 Q A public school?
6 A No, it was a nursery. It's day
7 care, community day care nursery.
8 Q Did you retire from that job at
9 some point?
10 A Yes.
11 Q When?
12 A December, December the 17th.
13 Q When you moved down to South
14 Carolina?
15 A Yes. Excuse me.
16 Q Yes.
17 A That's not right. I went on a
18 leave and I went back in May.
19 Q When did you go on leave?
20 A December the 17th.
21 Q Of '94?
22 A Yes, when we moved down and I
23 went back to work there in May.
24 Q I'm confused?
25 A May the 5th.

1 ROBINSON
2 A Why did I stop?
3 Q Yes.
4 A Because my husband needed me at
5 home. And, besides, I went back to finish
6 out the ending of, we had that -- the
7 raise and I went back to finish out the
8 last ending of the raise. When I got the
9 last ending of the raise, that is then
10 that's when I went back and my husband
11 came up and got me.
12 Q When you're referring to the
13 ending of a raise, you're referring to a
14 salary raise?
15 A Yes.
16 Q Have you worked anywhere since
17 May of '95?
18 A Yes.
19 Q Are you working today?
20 A Yes.
21 Q What do you do today?
22 A Teacher's assistant.
23 Q What's the highest level of
24 education you've achieved?
25 A Eleven.

1 ROBINSON
2 Q That's a long commute from South
3 Carolina to New York.
4 A No, I took a leave of absence
5 that December.
6 Q Right.
7 A Until May.
8 Q Of '95.
9 A Yes.
10 Q In May of '95, did you and your
11 husband move back to New York?
12 A No, I went back to work and he
13 lived in South Carolina and I came back
14 here to work for maybe a good month and
15 that was the last day.
16 Q Would that have been around June
17 of '95?
18 A No, that's May of '95. I didn't
19 work the whole month.
20 Q So, for that period of time, in
21 May of '95, you and your husband were
22 living apart, correct?
23 A Uh-huh, about two weeks.
24 Q Why did you stop working at the
25 community day care center in May of '95?

1 ROBINSON
2 Q And your husband, Charles, what
3 was the highest level of education he
4 achieved?
5 A One.
6 Q He was a high school graduate?
7 A Uh-huh.
8 Q When your husband was at Gracie
9 Square Hospital, who paid for those
10 medical bills?
11 A I had a HIP card. I had HIP
12 insurance, and he had HIP. But then there
13 was a problem there. He had HIP and then
14 he had another insurance.
15 Q Blue Cross?
16 A It could have been.
17 Q When did your husband start on
18 HIP?
19 A Started what?
20 Q When did your husband begin
21 going to HIP?
22 A When he came back from South
23 Carolina from the knowledge that he had
24 leukemia. He started there then.
25 Q Before starting at HIP, did your

ROBINSON

husband have a family doctor, somebody he saw if he had a cold or something?

A. No. No. No.

Q. Where would he go for medical treatment before he began with HIP?

A. He didn't.

Q. Did your husband ever work as a conductor for Metro-North?

A. Yes.

Q. Do you know when he began those duties?

A. Oh, conductor?

Q. Yes.

A. No. He was always a -- he was a conductor, a train man, conductor. That was in January, when he first started Metro-North he started in '66.

Q. Have you ever heard of a man named Ronald Folmabee, F-o-l-m-a-b-e-e?

A. Yes.

Q. Who is Mr. Folmabee?

A. That was his union rep, I think.

Q. Have you ever discussed your case or your husband's former case with

EXAMINATION BY MS. GARTENBERG:

Mrs. Robinson, you earlier

stated that your husband told you in order to continue getting a paycheck he had to go into Gracie Square Hospital, is that correct?

A. Yes.

Q. Could you explain any further what he meant by that or what you meant by that?

A. Yes. Well, Sturgis had told him that he either had to do that, go into the hospital, or he wouldn't have no means of taking care of his family. So, he didn't go there by choice.

Mr. Sturgis told him that was the only route he could go. So, that's -- he went.

Q. Were you aware of any of the treatment that was rendered to your husband at Gracie Square?

A. No. He said that -- I went to see him and he was so pale-looking, and I asked him what was wrong, and he said he

ROBINSON

Mr. Folmabee?

A. No.

Q. Have you ever met Mr. Folmabee?

A. No.

Q. Do you know a man named Jimmy Phelan, P-h-e-l-a-n?

A. No.

MR. BLUMENSTOCK: Lastly, my last is not a question at all, really.

To date, we have yet to receive the original certificate of appointment and we need to get the Gracie Square records and six other authorizations that we've requested several times. So assuming we do finally get those, if any other new questions should arise from those records, I reserve our right to question Mrs. Robinson further. But apart from those questions, I have no other questions for her.

MS. GARTENBERG: May I ask a couple questions?

MR. BLUMENSTOCK: Absolutely. Fire away.

ROBINSON

told the doctors that he wasn't feeling well but they didn't want to believe him. So, on the day they discharged him, they told him to go see his family doctor.

MR. BLUMENSTOCK: Move to strike.

Q. Did you ever learn that your husband was anemic at any time? Yes, or no or you don't know?

A. Yes.

Q. Do you recall, was that while he was in Gracie Square, or before he was in Gracie Square or after he was in Gracie Square?

A. Before.

Q. Do you know whether he was treated for any anemic condition while he was in Gracie Square?

A. No, he wasn't.

Q. How do you know that?

A. When I went to see him, he told me.

MR. BLUMENSTOCK: I again move to strike. Actually, I don't need to.

ROBINSON

Never mind.

Q. Were you aware of any urine samples that were taken of your husband in February 1993?

A. No.

MS. GARTENBERG: That's it.

MR. BLUMENSTOCK: You're done?

MS. GARTENBERG: Yes.

MR. BLUMENSTOCK: I have a follow-up question, then.

BY MR. BLUMENSTOCK:

Q. Mrs. Robinson, you were saying a moment ago that Mr. Sturgis told your husband that he must go into the Gracie Square Hospital or there would be no means of taking care of his family.

A. That's what he said.

Q. Did you take that to mean that he would lose his job at Metro-North?

A. Yes.

Q. If you are aware, did your husband sign an agreement agreeing to undergo rehabilitation therapy or treatment, as necessary, when he tested

ROBINSON

Q. Did your husband ever tell you that federal law required him to undergo rehab if he tested positive for drug use?

A. No.

MR. BLUMENSTOCK: I have no other questions. Thank you.

(Time noted: 12:55 p.m.)

CHRISTINE ROBINSON

Subscribed and sworn to before me this day of , 2000.

ROBINSON

positive for drug use?

MS. GARTENBERG: Objection to form.

You can answer.

A. Please repeat the question, please.

MR. BLUMENSTOCK: I'll withdraw it and I'll ask you another question.

Q. Did your husband ever tell you that he was required by the rules of Metro-North, if he ever tested positive for drug use, that he would have to undergo rehab?

A. No.

(Continued on next page.)

CERTIFICATION

I, PAMELA SCHWARZ, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, CHRISTINE ROBINSON, was duly sworn on the date indicated, and that the foregoing is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.

PAMELA SCHWARZ

EXHIBITS

DEFENDANTS'		
EXHIBIT	DESCRIPTION	PAGE
A	Waiver letter	
	Substance Abuse	30
B	Letter dated 12/4/92	39

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